

REMARKS

Claims 32-39 are currently pending in this application. By this amendment, claims 32 and 38 are amended for the Examiner's consideration. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Figures 3 and 4 and at page 7, lines 4-13 of the specification.

Entry of the Amendments is proper under 37 C.F.R. 1.116 because (a) entry of the Amendment places the present application in *prima facie* condition for allowance for the reasons discussed herein; (b) does not raise new issues requiring further search and/or consideration by the Examiner because these arguments were previously considered by the Examiner and thus further consideration and/or search by the Examiner is not warranted; (c) does not present any additional claims without canceling a corresponding number of finally rejected claims; (d) places the application in better form for appeal, should an appeal be necessary; and (e) responds to formal matters set forth by the Examiner.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Preliminary Matters

A Petition for a two (2)-month extension of time under 37 C.F.R. § 1.136(a) and accompanying fee in the amount of \$210.00 is filed herewith extending the period for responding to the outstanding office action. Applicant believes that no further extensions of time are

required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a). Any fees required for further extensions of time and any fees for the net addition of claims are hereby authorized to be charged to our Deposit Account No. 23-1951.

Objection to the Drawings

In the Office Action, the drawings were objected to for failing “to show mounting portion 41 as described in the specification.” Office Action at page 2. In response to the Examiner’s objection, the Applicant has amended the specification at page 8 in order to correct a typographical error. The Applicant has deleted the phrase “mounting portion 41” and replaced it with the phrase “mounting portion 141” in order to correspond with the numeral designation for the mounting portion in Figures 5 and 6. Accordingly, Applicant respectfully requests withdrawal of the drawing objection.

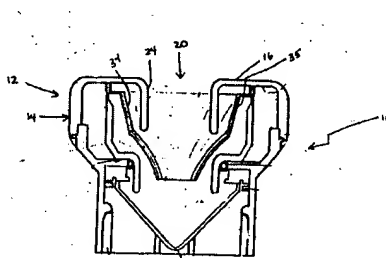
Objection to the Specification

In the Office Action, the specification was objected to as failing to “provide the proper antecedent basis for the claimed subject matter.” *Id.* Without acquiescing to the Examiner’s rejection and in order to expedite prosecution of the instant application, the Applicant has amended claim 38 by deleting the phrase “frusto-conical lower sealing member” and replacing it with “frusto-conical member”. Therefore, the Applicant submits that the specification provides the proper antecedent basis for the claimed subject matter. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

Rejections Under 35 U.S.C. § 102

The Examiner has maintained the rejection of claims 32-38 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,752,938, issued to Flatland et al., (the "Flatland '938 patent"). The Examiner alleges that the Flatland '938 patent discloses "a wall protector extending into the interior of the upper portion body portion," concluding that "this extension into the interior places the wall protector between the throughbore and the valve seal." *Id.* at page 5. Applicant respectfully traverses this rejection for at least the following reasons.

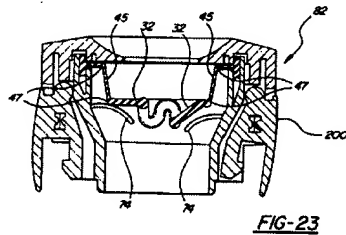
Applicant asserts that the Flatland '938 patent is insufficient as an anticipatory reference because it fails to teach each and every element of the claimed invention. Claim 32 has been amended to recite that the cylindrical wall protector is "integrally formed with the upper surface at the throughbore" and is "located between the throughbore and upper seal wall" extending "into the upper seal portion." For clarification, Figure 3 from the Applicant's specification has been reproduced below illustrating the seal assembly 10 of the claimed invention. The numeral designations not pertinent to the argument have been deleted.



With reference to the above Figure, a throughbore 20 is provided at the center of the upper surface 16 where the throughbore extends completely through the seal assembly 10. The cylindrical wall member 24 is integrally formed with the upper surface 16 at the throughbore 20 to project inwardly into the interior of the upper body portion 12. Moreover, the cylindrical wall

protector 24 is located between the throughbore 20 and the upper seal wall which includes the upper inner seal wall 34 and the upper outer seal wall 35. Nowhere does the Flatland '938 patent teach or suggest the feature of a cylindrical wall member integrally formed with the upper surface at the throughbore.

For clarification, Figure 23 of the Flatland '938 patent has been reproduced below. Unlike the claimed invention, the Flatland '938 patent only discloses a seal assembly having a wall 45 that meets the seal membrane 32. As can be seen in Figure 23 of the Flatland '938 patent, wall 45 is not integrally formed with the upper surface at the throughbore as in the claimed invention.

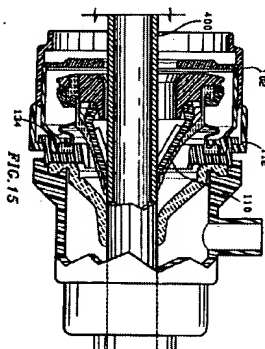


Therefore, Applicant asserts that the Flatland '938 patent is insufficient as an anticipatory reference because it fails to teach or suggest a cylindrical wall protector integrally formed with the upper surface at the throughbore.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection of claims 32-38. Since the Flatland '938 patent fails to teach or suggest all the features of the claimed invention, Applicant respectfully submits that independent claim 32, and all the claims that depend therefrom are allowable.

Next, the Examiner maintains the rejection of claims 32-37 as being anticipated by U.S. Patent No. 5,603,702, issued to Smith et al., (the "Smith '702 patent"). Applicant respectfully traverses for at least the following reasons.

As discussed above, claim 32 has been amended to recite that the cylindrical wall protector is "integrally formed with the upper surface at the throughbore" and is "located between the throughbore and upper seal wall," extending "into the upper seal portion." Applicant asserts that the Smith '702 patent is insufficient as an anticipatory reference because it fails to teach or suggest each and every element of the claimed invention. For clarification, Figure 15 of the Smith '702 patent illustrating seal 110 is reproduced below.



As is illustrated in Figure 15, nowhere does the Smith '702 patent teach or suggest (1) a cylindrical wall protector integrally formed with the upper surface at the throughbore or (2) a cylindrical wall protector located between the throughbore and the upper seal wall and extending into the upper seal portion as required by the claim 32.

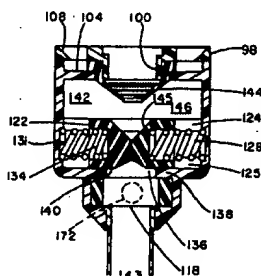
Since the Smith '702 patent fails to teach or suggest each and every element of the claimed invention, the Smith '702 patent fails as an anticipatory reference. Therefore, the Applicant respectfully submits that independent claim 32, and all the claims that depend

therefrom are allowable. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the present rejection under 35 U.S.C. § 102(b).

Finally, the Examiner maintains the rejection of claims 32-35 as being anticipated by U.S. Patent No. 5,391,153, issued to Haber et al., (the "Haber '153 patent"). The Applicant traverses for at least the following reasons.

As discussed above, the Applicant has amended claim 32 to recite that the cylindrical wall protector is "integrally formed with the upper surface at the throughbore" and is "located between the throughbore and upper seal wall," extending "into the upper seal portion." The Applicant asserts that the Haber '153 patent fails as an anticipatory reference because it fails to teach or suggest all of the features of the claimed invention. Specifically, the Applicant asserts that the Haber '153 patent fails to teach or suggest a cylindrical wall protector integrally formed with the upper surface at the throughbore and furthermore, fails to teach or suggest that the cylindrical wall protector extends into the upper portion of the upper seal portion.

For clarification, the upper portion of Figure 4 of the Haber '153 patent has been reproduced below.



As shown above, Figure 4 of the Haber '153 patent discloses that the locking plate 98 has a hollow cylindrical boss 100 sized to fit within a circular hole formed in the bulkhead 104. Indeed, nowhere does the Haber '153 patent teach or suggest a cylindrical wall protector

integrally formed with the upper surface as in the claimed invention. Furthermore, nowhere does the Haber '153 patent teach or suggest a cylindrical wall protector extending into the upper seal portion. As illustrated above, the cylindrical boss 100 does not extend into the conical seal sealing element 144 but only contacts the upper boundary of the seal element 144.

Therefore, the Applicant asserts that the Haber '153 patent is insufficient as an anticipatory reference because it fails to teach or suggest all the features of the claimed invention. Therefore, the Applicant respectfully submits that independent claim 32, and all the claims that depend therefrom are allowable. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

Rejections Under 35 U.S.C. § 103

Claim 39 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Flatland '938 patent or the Smith '702 patent or the Haber '153 patent in view of U.S. Patent No. 5,672,732, issued to Antoon et al., (the "Antoon '732 patent"). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 39 depends from claim 32 and thus includes all of the limitations of claim 32 by virtue of its dependency. Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness because the cited art references do not teach each and every element of the claimed invention. The Applicant asserts that the Examiner's cited primary references (i.e., the Flatland '938 patent, the Smith '702 patent, and the Haber '153 patent) are inadequate as primary references because they fail to teach or suggest, as discussed above, the features of (1) a cylindrical wall member integrally formed with the upper surface at the throughbore and (2) that

the cylindrical wall protector extends into the upper portion of the upper seal portion as required in claim 32 of the Applicant's invention.

Applicant submits that the Antoon '732 patent is inadequate as a secondary reference because it fails to remedy the deficiencies of the Examiner's primary references. Specifically, nowhere does the Antoon '732 patent teach or suggest a cylindrical wall member integrally formed with the upper surface at the throughbore or that the cylindrical wall protector extends into the upper portion of the upper seal portion as required in claim 32. Therefore, since neither the Examiner's cited primary references nor the Antoon '732 patent, either singly or in combination, teach or suggest each and every element of independent claim 32, the cited references also fail to teach each and every element of dependent claim 39. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the present rejection of claim 39 under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued for this application.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

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McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5069
Fax: 703-712-5296